

FRANKFORT/FRANKLIN COUNTY
PLANNING COMMISSION

SEPTEMBER 11, 2008
5:30 P.M.

CHAIRMAN KEITH LEE, PRESIDING

Chairman Keith Lee called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	Charles Stewart	
	Annie Metcalf	
	Brent Sweger	
	Charles Booe	
	Dwayne Cook	
	Joe Sanderson	
	Erika Hancock	
	Joyce Honaker	
	Patti Cross	
	Keith Lee	(11)

Members Absent:	None	(0)
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There being a quorum, the meeting proceeded.

The first item of business was approval of the minutes of the meeting of August 14, 2008. A motion was made by Mr. Stewart to approve as submitted. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Cook to approve the following bills for payment:

Dianna Rogers – Secretarial PC/8-14-08	\$ 300.00
Dawn McDonald – Secretarial BZA/8-5-08	75.00
Edwin Logan – PC – August	900.00
Edwin Logan – BZA – August	600.00
Dolbey & Co. – Tapes	58.95
KAPA (Training CD’S – Barry Holder)	24.00

The motion was seconded by Mr. Booe and carried unanimously.

There were no reports of officers, special select committees or special orders.

Under reports of standing committees, Mr. Sherron Jackson stated the Zoning Ordinance Update Committee would be meeting on September 30 at 5:30 PM at City Hall in the Council Chamber Room.

Under staff items, Mr. Gary Muller, City Planning Director, stated the JLUS Committee met on August 4 and would be having a meeting on September 4. He added the Comprehensive Land Use Committee would be meeting on September 29 at the Kentucky Coffee Tree at 5:30 PM. Mr. Muller stated the City Commission has approved a \$25 a month increase for Board members. He stated he did not know if Fiscal Court had approved their share.

The first item of old business request, as directed by the Planning Commission during the August 14, 2008 meeting, was discussion concerning the Oakmont Storage Building development (10 Oakmont Drive) and the Capital Condo's development (6 Hudson Hollow Road) – both of which have landscaping material that has been bonded; however, has not been installed or replaced as required by the development plan for a significant period of time.

Mr. Muller stated he had spoken to both of the developers and they understand the deadline for compliance is October 31, 2008. Mr. Muller stated he had talked with Mr. Chad Peach regarding Oakmont. He stated they were meeting with the City Arborist regarding the trees. He stated it is their intent to have the landscaping, including the asphalt done by October 31, 2008. Mr. Sanderson asked if City employees would do it if the developer did not. Mr. Muller stated the City Arborist stated they did not have the manpower to do that and it would be bid out.

Mr. Jackson stated in both of these cases the Planning Commission approved a development plan contingent on following through and it has been over a year and occupancy has occurred. He added he felt if the developer doesn't act prudently the City can act. Mr. Logan stated the Commission should give a specific time frame for projects in the future. Mr. Sanderson asked why a motion was needed and didn't staff have the authority to take care of this. Mr. Logan stated staff was making sure the Planning Commission considered the time frame reasonable and this was just confirming staff.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Jackson that the Planning Commission adopt the Landscape Committee's recommendation and that staff interface with the developers to make sure they know October 31, 2008 is the deadline for the work to be done and if it is not done, staff have the work done, use the surety bond and if the applicant's don't pay for the work a lien be filed against the properties. The motion was seconded by Mr. Cook and carried unanimously.

The first item of new business was a request, in accordance with Articles 1 and 11 of the Franklin County Zoning Ordinance, Commonwealth Credit Union (CCU) is requesting a waiver of Article 11.19 to allow a single freestanding sign to exceed 30% of the allowable sign area for the property located at 1425 Louisville Road.

Mr. Eric Cockley, Franklin County Planner, was present and stated the applicant wanted to replace signs and wanted some enlargement of the signs. He added they stayed within the total signage of square footage allowed by one sign was more than the 30% of allowable square footage. He stated they wanted 58 square feet and the existing sign is 48 square feet. Mr. Cockley stated the sign is nonconforming now and this would be enlarging a nonconforming sign and staff recommended denial of the request.

Mr. Cockley stated the standards to consider for this request were the same as BZA would treat a variance.

Mr. David Young, Vice-President of Operations for CCU and Mr. Jack Smith, Maintenance Operation for CCU were present. Mr. Young stated the sign framework would stay up and they were going to put up a new digital sign for a log change. He stated the existing sign is 2 x 8 and the proposed is 3.4 x 8. Mr. Jackson asked why they couldn't put up the correct size sign. Mr. Young stated that was something that could be considered. He stated the road has increased from a 3 lane to 5 lane highway and it would be more difficult to see the sign. Mr. Sanderson stated he did not want to set a precedent without proving CCU had done everything they could to keep that from happening. He stated there were no unique topographical situations proven, no uniqueness prove and he had not heard

enough to legally grant a waiver. He added it was already a pre-existing nonconforming sign. Mr. Sanderson stated they could take down the framework, rework the sign and keep it nonconforming. Mr. Young stated when the sign was up there was a different traffic situation and there is now a 5 lane highway instead of 3. Mr. Sanderson stated that would have made the road closer to the sign. Mr. Chris Hadlin of Cummings Signs stated the letters are 6" tall and the CCU logo is 30".

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Jackson to table the request for the applicant to come back with sufficient testimony. The motion was seconded by Mr. Booe. The motion and second were withdrawn.

A motion was made by Ms. Metcalf to deny the request. The motion was seconded by Mr. Jackson. Those voting in favor: Mr. Jackson, Mr. Booe, Mr. Stewart, Ms. Metcalf, Mr. Sweger, Mr. Cook, Mr. Sanderson, Ms. Honaker. Those voting against: Ms. Hancock, Ms. Cross, Mr. Lee. The motion carried 8-3.

Ms. Metcalf suggested that the Planning Staffs make sure applicants are aware of what they need for waivers.

Mr. Young addressed the Commission and stated they would retain the existing square footage and work to not exceed what is already there. Mr. Sanderson stated they needed to stay within the total square footage of that sign.

The next item of business was a public hearing from the City of Frankfort Planning Staff for approval of a text amendment to Article 12-Minimum Off Street Parking Requirements; Sections 12.012, 12.043, 12.044, 12.046, 12.05, 12.052, 12.082 and 12.09 of the City of Frankfort's Zoning Ordinance. Specifically the request is to provide a maximum number of compact spaces, amends the parking surface material and depth, amends the setbacks, provides a 2' overhang when wheel stops are provided, requires spaces when change of use is greater than 5 additional spaces and amends parking requirements for special vehicles in residential areas.

Mr. Logan suggested both items be combined as there were no witnesses in the audience. Mr. Lee asked for a voice vote of all in favor. It was unanimous that the following public hearing be added and the items be heard as one.

The City of Frankfort Planning Staff is requesting approval of a text amendment to Article 13-Signage Requirements – Sections Table 13.2, Table 13.3, 13.19 and 13.283 of the City of Frankfort's Zoning Ordinance. Specifically the request is to amend the number of temporary signs to 1 per site with a 5' setback, amend the size of pole signs to 60 square feet rather than 100 square feet, increase the square footage allowed for monument/ground signs from 32 square feet to 40 square feet as well as the height from 6' to 9' and the setback to 5'; to remove the requirement of removing billboards by June 27, 2007; and to clarify interstate sign locations.

The recording secretary called the items and swore in staff. Mr. Logan qualified Mr. Muller. Mr. Muller stated he had no additions, deletions or corrections to the staff report. Mr. Logan requested the staff report be entered into the record. The record was accepted without objection by Chairman Lee.

Mr. Muller stated staff has been reviewing the parking requirements and determined that some minor changes are needed. He stated similar to the South Frankfort district, and in an effort to provide more options, they would like to add pavers, brick and other acceptable semi-pervious material rather than limit parking to only concrete or asphalt for all districts.

He also stated currently there is a section that basically states you can change the use of any building and the parking that was existing does not have to be improved, added upon or meet any other standards if you cannot fit the required spaces upon the same lot for the new use – regardless of how many parking spaces short the new use would be. He stated this is a problematic section and promotes a much higher intense use that the site can or possibly should accommodate. He stated they are proposing to change this section by allowing an increased use of no more than 5 parking spaces may be allowed, but if site is 5 or more spaces short for the new higher intensive use then the site must provide all required spaces before a change of use can be approved or allowed.

Mr. Muller also requested an amendment for the special vehicle parking in residential areas to make consistent with current policies and will be amending the property maintenance code as well. Mr. Muller stated on July 23, 2008, the Zoning Update Committee reviewed the proposed text amendments and made suggested changes and additions and then recommended the proposed text amendments be forwarded to the Planning Commission. Mr. Muller stated staff recommended approval of the City of Frankfort's Zoning Ordinance as supported by the Zoning Update Committee.

Mr. Muller went over the changes of the Sign Regulations. He stated there were no real incentives to promote monument signs over pole signs and some changes were proposed. He stated you have to have a 1 foot clearance now and he did not know why. He proposed it go from 6' to 9' tall and the setback be 5 feet. He added that the City Attorney stated the city cannot mandate the removal of existing nonconforming billboards a certain date; also covered were temporary signs and it was recommended that rather than allowing as many as you can fit with 20' separation that only one per site per street frontage. He added they wanted to provide a maximum square footage for construction signs and added they would like to specify that no interstate signage is allowed at any other interchange other than US 127 (Parkside has already been approved with a condition of a certificate of land use restriction that no interstate signs would be allowed). The purpose of this is to avoid the issue of interstate signs should additional property be annexed within the city near the interstate in the future.

Mr. Booe stated he was concerned about the pole sign going from 100 to 60. He stated this makes existing signs nonconforming and raises the burden to someone who has the proper sign now. He stated this is a burden on business owners. He added he supports all the changes except this one. Mr. Sweger asked why this was a burden. He stated they can replace their sign. Mr. Sanderson stated it was not a burden if they don't change the size of the sign.

Mr. Jackson stated the purpose of the update committee was to improve development in Franklin County and allow businesses to be helped. He stated if Mr. Booe felt changes need to be made then he should mention it. Mr. Booe stated he requested consider it might be better to include language if the frame of the sign is taken down it is not part of the

structure. Mr. Logan stated that wasn't noticed and that could be considered in the future. Ms. Honaker asked about the interstate sign change. Mr. Muller stated he was just making that issue more clear. Mr. Muller added that on billboards the City Attorney stated the ordinance is invalid and you can't mandate that and the proposal corrects that.

Ms. Metcalf stated the purpose of signs is for identification – not really advertising. Ms. Hancock stated as a business owner you need a happy median.

A motion was made by Mr. Booe to close the public hearing and a summary be prepared. The motion was seconded by Ms. Cross and carried unanimously.

Mr. Muller stated there was a KAPA conference in October and for more information contact him or Mr. Robert Hewitt.

A motion was made by Mr. Jackson to adjourn. The motion was seconded by Mr. Sanderson and carried unanimously.

Chairman Keith Lee

Recording Secretary Dianna Rogers